IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 3257 of 2004

PANKAJ KUMAR & ANR
V/S
BHANWAR LAL SOMANI & ORS

Mr. PANKAJ SHARMA, for the appellants / petitioners

Date of Order : 21.9.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioners at length.

I do not find any error in the order impugned passed by learned trial court declining the prayer of petitioners to join them as party in the litigation. The case of the petitioners is that they are also partners of the firm M/s. Vardhman Rice & General Mills, being respondent no.3 in the writ petition. It is not in dispute that respondent no.4 is the partner of the firm. As has come on record that respondent no.4 has been conducting the litigation, and as found by learned trial court that on 8.12.1993, the power of attorney was executed by the firm in favour of present respondent no.4, in that view of the matter, each individual partner, cannot be said to be necessary or proper party in the litigation.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/Srawat/